UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY 27 AM 11:35

UNITED STATES OF AMERICA, Plaintiff, v. **Diana Natividad HARO,** Defendant(s)	Magistrate Case No. '08 MJ 1637 — COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **May 25, 2008,** within the Southern District of California, defendant **Diana Natividad HARO** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Gabino Alvaro MARTINEZ-Juarez, Roberto Carlos ROMERO-Cordova,** and **Serafin VARGAS-Medel** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF May 2008

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Diana Natividad HARO

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Gabino Alvaro MARTINEZ-Juarez, Roberto Carlos ROMERO-Cordova,** and **Serafin VARGAS-Medel** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 25, 2008 Border Patrol Agent M. Cavender was manning the primary inspection point at the Border Patrol Checkpoint on State Route 94 near Jamul, California. At approximately 9:21 PM a white Mercury Mountaineer being driven by defendant Diana Natividad HARO approached his position and stopped at his signal.

Agent Cavender immediately recognized the defendant as a known alien smuggler at and around the checkpoint in the past. Agent Cavender also observed several people lying down in the floor between the seats in an attempt to hide themselves from view. Agent Cavender instructed HARO to turn off the vehicle's motor and HARO complied. Agent Cavender queried each of the eight individuals found in the vehicle as to their immigration status. All eight individuals admitted to being citizens and nationals illegally present in the United States. At approximately 9:20 PM, Agent Cavender arrested the eight individuals for being present illegally in the United States. At approximately 9:20 PM, Agent T. Ward removed HARO from the vehicle and placed her under arrest for alien smuggling. HARO and the eight smuggled aliens were transported to the Brown Field Border Patrol Station for further processing. Routine record checks reveal that the defendant has six prior arrests for alien smuggling.

STATEMENT OF DEFENDANT DIANA NATIVIDAD HARO:

The defendant was advised of her rights as per the Miranda Warning. The defendant understood her rights and agreed to be interviewed without representation.

HARO stated that she is a United States citizen. HARO stated that she was going to visit her friend "Alex" who lives in a trailer in Tecate, California. HARO does not know "Alex's" last name or his address but stated that he lives in a trailer near an elderly woman. HARO claims to have met "Alex" in an unknown cafe in Tecate, Baja California, Mexico about three months ago. HARO stated that she was coming from her parent's house in Ramona, California and was bringing some cases of bottled water to her friend "Alex". HARO stated that she pulled into "Alex's" driveway, and all of a sudden a bunch of people started opening the doors to her car and jumping in. HARO said she became scared, and the men in the car told her to start driving. HARO stated that sometime during her trip she noticed the Border Patrol vehicles behind her. At that point the men in the car asked her to pull over so that they could jump out. HARO stated that she would not pull over because it was unsafe, so she just drove straight to the Checkpoint. HARO admitted to alien smuggling in the past and being caught nine times before. HARO stated that she has been promised she make between $400.00 dollars a trip for the entire load and sometimes $400.00 dollars per person. HARO claims that she was making nothing tonight, as she had no choice but to do as the men said. HARO claims that she has stopped alien smuggling because her actions have caused her to lose custody her children to their father. HARO admitted that she knew the people she was smuggling were illegal aliens and that the people in her car tonight were illegal as well.

CONTINUATION OF COMPLAINT:
Diana Natividad HARO

STATEMENT OF MATERIAL WITNESSES:

Material Witnesses Gabino Alvaro MARTINEZ-Juarez, Roberto Carlos ROMERO-Cordova, and Serafin VARGAS-Medel admit to being citizens of Mexico illegally present in the United States. They were approached by a smuggler in Tijuana, Mexico, who asked if he wanted to go to the United States. They agreed and made arrangements to be smuggled into the United States for amounts between $2,000 and $3500 upon at their destination in the United States. On May 25, 2008 they crossed in a group of undocumented aliens by entering the United States/Mexico border fence near Tecate, California. After they crossed, the guide took him to a creek area where it was explained to them that they were going to be provided food and water. They were led to a load up spot and approximately ten minutes later a car arrived. The foot guide escaped and that there were eight other males with him. They were instructed to go quickly to the vehicle. They proceeded to load up into the car. No one assisted them in getting in the vehicle. No one spoke to the driver and she didn't say anything to them. They rode for approximately fifteen minutes before being stopped by the Border Patrol.